IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9931 of 2005

Between:

Duvvuri Janardhan Reddy, S/o. Venkatarami Reddy,
R/o. Mallam Vilage, Chittamoor Mandal, Nellore Dsitrict.

..... PETITIONER

AND

1 The District Collector, Nelklore District, Nellore.
2 The Joint Collector, Nellore-524 001.
3 The Revenue DivisionalOfficer, Gudur, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to Issue an appropriate writ order or direction more particularly in the nature of writ of Mandamus declaring the orders bearing Rc.No.2709/2004 dt. 8.4.2005 issued by the 3rd respondent herein as arbitrary illegal capricious and apart from gross abuse of powers in colorable exercise under A.P. land Reforms (Ceiling on Agricultural Holdings) Act 1973 & Act 9 of 1977 and consequently direct the respondents herein not to dispossess the petitioner herein from the lands mentioned in Notice bearing Rc.No.2709/2004 dt. 5.3.2005.

Counsel for the Petitioner:MR.SAI GANGADHAR CHAMARTY

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER:

This writ petition is filed questioning the order dated 08.04.2005 passed by the third

respondent-Revenue Divisional Officer, Gudur.

Since against the impugned order, an alternative remedy by way of appeal is available before the Joint Collector, without exhausting the said remedy, the petitioner cannot maintain this writ petition.

Accordingly, the writ petition is disposed of granting leave and liberty to the petitioner to file such an appeal. If any such appeal is preferred within a period of two weeks from today, the same shall be entertained and appropriate orders be passed in accordance with law. However, having regard to the facts and circumstances of the case, there shall be a direction that the impugned order dated 08.04.2005 shall not be given effect to for a period of four weeks from today.

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27.04.2005

Note: Furnish C.C., in one week.

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To

1 The District Collector, Nelklore District, Nellore.
2 The Joint Collector, Nellore-524 001.
3 The Revenue DivisionalOfficer, Gudur, Nellore District.

4 Two C.Cs to the G.P., for Revenue, High Court Buildings,
Hyderabad (OUT).

5 2 CD copies.